



BOARD OF APPEALS
OF THE CITY OF ANNAPOLIS

160 DUKE OF GLOUCESTER STREET
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 263-7961

OPINION AND RESOLUTION

Project: Aris T. Allen/Rocky Gorge PUD
Applicant: Aris Allen Boulevard, LLC
7900 Westpark Drive, Suite A320
McLean, Virginia 22102-4235
Location: South of Aris T. Allen Blvd. and
West of the Chinquapin Round Rd. intersection
Zoning: R1, Single-Family Residence District
R1-A, Single-Family Residence District
R1-B, Single-Family Residence District
RCA, Resource Conservation Area

PROJECT DESCRIPTION

The applicant, Aris Allen Boulevard, L.L.C., a Maryland limited liability company, is seeking Residential Planned Development (RPD) approval. This petition concerns 23.38 acres described as Parcels 163, 244, 335 and 375, Tax Map 9Z.1. The subject property is split zoned within the R1, R1-A and R1-B, Single-Family Residence Districts. The R1 portion of the property comprises 0.59 acres, the R1-A portion is 18.68 acres and the R1-B portion is 4.11 acres. The property, approximately 5.41 acres, is further encumbered by the Critical Area Overlay, Resource Conservation Area (RCA). Further, the R1-A portion of the property, Parcels 163 and 335, was recently annexed into the City of Annapolis in Resolution No. R-23-04 Revised and zoned in Ordinance No. O-34-04 Revised. The R1-B portion of the property, Parcel 375, was annexed into the City in Resolution No. R-13-02 Amended and zoned in Ordinance No. O-17-02 Amended. At present the property is vacant, fronting on Aris T. Allen Boulevard to the north, the existing Oxford Landing community to the east, predominantly vacant R1-A zoned land to the west, and the existing Bywater Estates and Kingsport communities to the south. Specifically, the Residential Planned Development proposes to develop the site with seventeen (17) single-family detached homes and thirty one (31) single-family attached townhouses. Within the 31 townhouses, six (6) will be

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 2 of 11

moderately priced dwelling units (MPDU's) in accordance with Chapter 21.30, of the City Code.

SMART GROWTH

The proposed development embraces the general development standards for a Smart Neighborhood as defined in the Neighborhood Conservation and Smart Growth Act of 1997. As a Priority Funding Area, Annapolis is a text book opportunity to apply the anti-sprawl, community revitalization, utilization of existing infrastructure, and infill development policies of the Smart Growth initiative. The proposal embraces numerous Smart Growth criteria, including: environmental protection; planned open space; integration of on-site environmental features; proximity to existing development and infrastructure; compact development form; linked to adjacent communities; socioeconomic diversity; and accessibility and mobility choices.

The Governor stated that it is imperative for the quality of life for all Marylanders to demonstrate that the State stands firmly for the principles of Smart Growth. The Smart Growth policies are aimed at combating sprawl, supporting transit-oriented development and protecting the environment by supporting the planning efforts of local communities in the interest of saving Maryland taxpayers the cost of serving poorly planned development.

STAFF RECOMMENDATION

At a hearing before the Board, the Planning staff testified and presented the report and recommendations for approval of the application with conditions dated August 31, 2006.

RECOMMENDATION OF THE PLANNING COMMISSION

After meetings on September 7, 2006, and October 5, 2006, the Planning Commission by a vote of three to one concurred with the findings, recommendations and revised conditions of the staff, and found that the application complies with all standards for approval of a Residential Planned Development and Site Design Plan Review (Section 21.24) as stated in the staff report. By a vote of three to one, the Planning Commission recommended approval of the application. The additional findings and conditions of the Planning Commission have

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 3 of 11

been included in the conditions of the Board's approval of this application.

PUBLIC HEARING

In accordance with the Annapolis City Code, the Board of Appeals held a public hearing. The applicant through legal counsel and witnesses presented testimony and evidence of the compliance of the application with Annapolis City Code and with the standards for a Residential Planned Development. The public was invited to testify or comment on the application. Several members from the public spoke regarding the application.

DISCUSSION OF EVIDENCE AND FINDINGS

Subject to one area of concern, the Board finds that the application is in compliance with the Annapolis City Code and with the standards for a Residential Planned Development. The exception is the adequacy of Forest Drive, one of the roads serving the Residential Planned Development. Based upon evidence of traffic congestion on Forest Drive in the immediate vicinity of the project, the Board finds that Forest Drive is not be adequate to serve this Residential Planned Development and will not be adequate to serve this Residential Planned Development until planned widening of Forest Drive in the immediate area are of the project is completed. The Board has added the completion of these improvements to Forest Drive as a condition of the issuance of occupancy permits.

DECISION AND RESOLUTION

Based on evidence and testimony presented at the public hearing, the evaluation of the Planned Development application by Planning Staff as set forth in their Memorandum dated August 31, 2006, to the Planning Commission, the statement of compliance with planned development criteria, the Memorandum of the Planning Commission's findings and recommendation dated October 11, 2006, the testimony of the staff, the Applicant's witnesses and members of the community, and as set forth in the Board's discussion of evidence and findings, the Board of Appeals, this 20th day of December 2006 grants approval of the Planned Development. The approval of the Planned Development is subject to the following conditions:

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 4 of 11

1. Except as modified by any condition of approval of the project, the project shall be developed, constructed and maintained in substantial accordance with the architectural plans sheets A.1 to A.9, dated 10/27/05 by Architectural Collaborative, Inc.; civil engineering and landscape architectural plans sheets C.1 to C.13 and L.1.1 to L.4.4, dated November 3, 2005 and May, 2006, by Bowman Consulting.
2. Final engineering plans shall be reviewed and approved by the Departments of Planning and Zoning, Neighborhood and Environmental Programs and Public Works prior to the issuance of grading or building permits.
3. The Residential Planned Development and Record Plat are subject to all conditions noted within annexation Resolution No. R-23-04 Revised, zoned in Ordinance No. O-34-04 Revised, and Resolution No. R-13-02 Amended and zoned in Ordinance No. O-17-02 Amended.
4. Prior to the issuance of any permits for the project, easements, agreements, etc. required by the City, in conjunction with the project, shall be executed and recorded in the Land Records of Anne Arundel County, Maryland and copies of the recorded documents shall be provided to the City.
5. All landscaping, including a schedule for the installation of plant materials, shall be shown on a Final Landscape Plan which shall be reviewed and approved by the Department of Planning and Zoning prior to the issuance of any permits. The Final Landscape Plan shall also include fencing, location and type, to be utilized throughout the development. Landscaping shall be installed prior to the issuance of any use and occupancy permits, unless the time of the year is inappropriate for planting. In that event, the applicant shall provide the City with security in such form as approved by the City Attorney and the Department of Planning and Zoning to secure the installation of all landscaping on the approved plans. The Final Landscape Plan shall include screening walls and fences and shall provide detailed specifications for materials, height, and location.

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 5 of 11

6. A landscape maintenance agreement approved by the City Attorney and the Department of Planning and Zoning shall be recorded in the Land Records of Anne Arundel County, Maryland prior to the issuance of any permits. The developer shall be responsible for the replacement of any and all dead landscaping until such time as all final landscape bonds have been released.
7. An exterior lighting plan, including a fixture schedule, shall be provided, in conjunction with the Final Grading Permit Plan, for review and approval by the Department of Planning and Zoning prior to the issuance of any grading permits.
8. Site lighting shall be designed at appropriate levels to achieve public safety without creating excessive glare or high intensity. High pressure sodium (yellow-orange) shall be prohibited for exterior use. The Department of Planning and Zoning reserves the right to require reduced intensity of lighting after installation, if the Department determines that the lighting is too bright or creates excessive glare.
9. The applicant shall provide to the Department of Planning and Zoning for approval, prior to the issuance of grading permits, a Planting Soils Improvement Plan, sufficient to provide for the long term health of all plantings and that meets the principles and recommendations for soils for urban tree plantings outlined in "Architectural Graphic Standards 10th Edition," pages 178 through 182, published by John Wiley & Sons, 1998.
10. The applicant shall make payment to the Department of Neighborhood & Environmental Programs of thirty dollars (\$30.00) per street tree planted in or adjacent to the public right-of-way, prior to the issuance of any grading permit.
11. The applicant shall design the pre-treatment area, infiltration trenches #1 and #2, and bio retention facilities #1 and #2 as stormwater management areas that also function as useful gardens. Said areas shall be integrated into the overall landscape of the development. Both the civil engineering and

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 6 of 11

- landscape plans shall be redesigned to reflect the aforementioned concept.
12. The applicant shall regrade Parcel "B" and Public Street "A", so as to create a depressed area with Parcel "B" providing a larger infiltration and rain-garden area capturing water from the front yards and front roof downspouts of Lots 32 thru 46. An underdrain system beneath sandy loam soil and sod should support a central green for recreation activity and also provide for stormwater management during rain periods. This design further eliminates one or more storm drain structures and the curb and gutter around Parcel "B".
13. The applicant shall design infiltration area #3 providing stormwater infiltration that also functions as a passive and active recreation area.
14. The applicant shall depress the units further into the proposed grade, reducing the number of front entrance steps and lowering the grade percentage on the driveway, thus also lowering the overall building height. Accurate grades shall be reflected on the architectural elevations.
15. The applicant shall comply with the Department of Neighborhood & Environmental Programs comments dated March 14, 2006 and March 31, 2006.
16. The applicant shall execute an indemnification agreement per the Department of Public Works for a municipal easement over the private alley for trash collection.
17. A conservation easement granted to the City of Annapolis Conservancy Board shall encompass those areas of Parcel "A" within the resource conservation critical area, the one hundred foot (100') wetland and stream buffer and adjacent steep slopes. Said easement shall be noted on the Record Plat and further detailed in a separate easement agreement recorded in the Land Records of Anne Arundel County. With, over and or across, said easement shall allow for a future 100' right-of-way and it's corresponding construction.

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 7 of 11

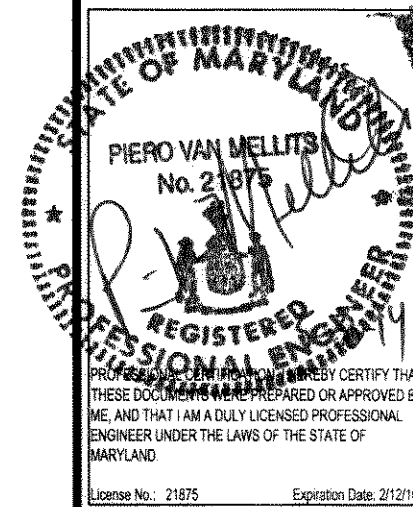
18. Alleyway entrances from the public right-of-way shall utilize City of Annapolis standard road detail R4.0, Driveway Entrance without Lawn Strip.
19. All exterior signage for the development, including entrance walls and features, shall conform to a sign program approved by the Department of Planning and Zoning. No changes to the approved sign program shall be permitted without the written approval of Planning and Zoning. Said sign program shall be approved prior to the issuance of any grading or building permit and thus delineated on the final site development plans.
20. The applicant/developer shall make payment to the City Finance Director of all applicable school impact fees assessed by Anne Arundel County, or submit acceptable proof that the project is not subject to the county's school impact fees, prior to the issuance of any grading permit.
21. A final subdivision plan may not be approved, a final subdivision plat may not be signed, nor may a building permit be issued until the requirements of Chapter 20.30, Moderately Priced Dwellings Units, are met.
22. Prior to final record plat approval, off-site easements for public water, sanitary sewer and temporary grading through and over The Housing Authority of the City of Annapolis (Bywater Estates) and Oxford Landing (Section III), shall be recorded in the Land Records of Anne Arundel County, Maryland.
23. Certification from a Maryland geotechnical engineer shall be submitted to the Department of Public Works for compliance with environmental regulations of the appropriate state and federal agencies. The certification shall state that on-site tests were made, and that no evidence of fuel tank leakage or soil contamination exists.
24. Capital facility charges for the proposed development shall be paid to the City of Annapolis prior to any permit issuance.

Board of Appeals Opinion
Residential Planned Development
Aris T. Allen/Rocky Gorge PUD
December 20, 2006
Page 8 of 11

25. The Department of Planning and Zoning shall review all exterior design elements including architectural style, colors, materials and compatibility of design with the surrounding environment. The exterior facades of the buildings shall be constructed of quality, durable materials that are articulated in a human scale. The Department, at its discretion, may suggest alternative design solutions. It is the intent of the Department to achieve a high quality level of design while also providing flexibility for creative design solutions. The Design Development drawings shall demonstrate compliance with the following:
 - a. Quality and variety of materials and details shall be used on the buildings. The use of stone, precast stone, limestone, clay masonry or other masonry unit, granite, stucco, wood, hardie board/plank, wrought iron or other material deemed appropriate by the Planning Department may be used on the building facades. EFIS, exterior insulating finishing system, may be utilized as accent or trim elements. FRP, fiberglass reinforced plastic, may not be utilized on the exterior building facades.
26. All letters of credit or surety bonds (to City format) shall be submitted to the Department of Neighborhoods and Environmental Programs in the full amount for the entire project prior to issuance of any permit.
27. The applicant shall comply with all requirements of the Maryland Building Code and ADA Code for the disabled as determined by the Department of Neighborhoods and Environmental Programs.
28. The applicant shall acquire all necessary permits from the Maryland Department of the Environment (MDE) and the U.S. Army Corps of Engineers prior to the issuance of grading or building permits.
29. The special exception approval shall be applicable to the premises so long as the project is constructed in accordance with the approved plans and conditions. The approvals shall cease and terminate upon any major changes



PROJECT
ARIST T. ALLEN BOULEVARD
RESIDENTIAL PLANNED DEVELOPMENT
PART 1 - LOTS 26 - 31, 47 & 48
6TH ELECTION DISTRICT
CITY OF ANNAPOLIS, MARYLAND
TAX MAP/GRID: 51E8



GRADING PERMIT NO.: GRD 14 - 0006
PLANNED DEVELOPMENT
OPINION & RESOLUTION

PROJECT NO. 130003.01
SCALE AS SHOWN
DATE 5/30/2014
DRAWN BY JDS/CLW
CHECKED BY PVM/TJC
DRAWING NO.

C3.00

3 OF 66 SHEETS

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